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7 *D. Westwood, Inc. d/b/a Treasures Gentlemen's Club*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ARIANNY CELESTE LOPEZ et al.,

11 Plaintiffs,

12 v.

13 D. WESTWOOD, INC. d/b/a TREASURES
GENTLEMEN'S CLUB,

14 Defendants.

Case No. 2:19-CV-01842-JCM-BNW

**STIPULATION AND ORDER FOR
STAY OF DISCOVERY PENDING
DECISION ON MOTION FOR LEAVE TO
AMEND**

15 Defendant D. Westwood, Inc. d/b/a Treasures Gentlemen's Club, by and through its counsel
16 of record Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, and remaining plaintiffs Brooke
17 Johnson, Irina Voronina, Rosie Roff, and Sara Underwood, by and through their counsel of record,
18 Alverson Taylor & Sanders, Attorneys at Law, hereby stipulate and agree to a temporary stay of this
19 case pending this Court's decision on the remaining plaintiffs' motion for leave to amend complaint
20 (ECF No. 42).

21 "[A] district court has the inherent power to stay cases to control its docket and promote the
22 efficient use of judicial resources." *U.S. Bank Nat'l Ass'n v. Antelope Canyon Homeowners Ass'n*,
23 No. 2:15-cv-01423-JCM-PAL, 2016 U.S. Dist. LEXIS 132303, at *5 (D. Nev. Sep. 23, 2016) (citing
24 *Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936)). With that inherent authority and "wide
25 discretion in controlling discovery," this Court in other cases has "stay[ed] ... discovery and other
26 proceedings to accomplish the inexpensive determination of the case," which is the objective of Fed.
27 R. Civ. P. 1. *E.g.*, *Dennis v. Mission Support & Test Servs.*, No. 2:20-cv-01032-JCM-BNW, 2020
28

1 U.S. Dist. LEXIS 252918, at *3-4 (D. Nev. Aug. 20, 2020) (internal citations omitted).

2 Here, the requested stay arises from the parties' need to avoid the cost and effort of
 3 significant discovery if this Court allows the remaining plaintiffs to file an amended complaint with
 4 the Lanham Act false endorsement claims. Such claims requires "costly consumer surveys" to assess
 5 the likelihood of confusion, which is an element of the false endorsement claims. *See Honeywell*
 6 *Int'l, Inc. v. ICM Controls Corp.*, 45 F. Supp. 3d 969, 986 (D. Minn. 2014); *Merck Eprova AG v.*
 7 *BrookStone Pharm., LLC*, 920 F. Supp. 2d 404, 422-23 (S.D.N.Y. 2013); *Thermal Design, Inc. v.*
 8 *Guardian Bldg. Prods.*, No. 08-C-828, 2012 U.S. Dist. LEXIS 164151, at *2-3 (E.D. Wis. Nov. 16,
 9 2012). Such survey evidence would be unnecessary if this Court denies the motion for leave to
 10 amend. There is therefore a potential savings of substantial litigation costs and resources that could
 11 be avoided, depending on the outcome of the motion for leave to amend. Rather than proceed with
 12 potentially needless discovery, the parties both agree it is in their collective interests to stay
 13 discovery until the resolution of the pending motion for leave to amend.

14 IT IS SO STIPULATED.

15 Dated: September 9, 2021

Dated: September 9, 2021

16 ALVERSON TAYLOR & SANDERS

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18 /s/David M. Sexton

/s/I-Che Lai

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ORDER

Based upon the stipulation of the parties and good cause appearing, discovery is stayed until this Court enters an order lifting the stay. The parties must file an updated stipulated discovery plan and scheduling order within 14 days of this Court's ruling on the motion for leave to amend (ECF No. 42).

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: September 10, 2021